

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CORRECTIONS STANDARDS AUTHORITY**

**REGARDING THE MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART I, SECTION 13-102
AND PART II, CHAPTER 12, SECTION 1231**

Minimum Standards for the Design and Construction of Local Detention Facilities

Notice is hereby given that the Corrections Standards Authority (CSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part I, Chapter 13, Section 13-102 and Part II, Chapter 12, Section 1231. The CSA is proposing building standards related to the design and construction of local detention facilities.

PUBLIC COMMENT PERIOD

The California Building Standards Commission on behalf of CSA will hold the following public hearings during which time any person may present statements or arguments relevant to the proposed regulatory action summarized below.

Wednesday, September 3, 2008

9:00 AM

Corrections Standards Authority
660 Bercut Drive
Sacramento CA 95811

Thursday, September 11, 2008

9:00 AM

San Diego Sheriff's Department Headquarters
9621 Ridgehaven Court
San Diego CA 92123

Written comments will be accepted by the California Building Standards Commission regarding the proposed changes from July 25, 2008 until 5:00 PM on September 8, 2008.

Please address your comments to:

Corrections Standards Authority
600 Bercut Drive
Sacramento CA 95811
Attention: Allison Ganter, Field Representative

Written Comments may also be faxed to (916) 327-3317 or E-mailed to Allison.ganter@cdcr.ca.gov

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends,

or repeals the regulation(s). CSA will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The Corrections Standards Authority proposes to adopt these building standards under the authority granted by Penal Code Section 6030. The purpose of these building standards is to implement, interpret, and make specific the provisions of Penal Code Sections 6029 and 6030. The CSA is proposing this regulatory action based on Penal Code 6030.

INFORMATIVE DIGEST

Summary of Existing Laws

Sections 6029 and 6030 of the California Penal Code authorize the CSA to establish building standards for local adult and juvenile detention facilities.

Summary of Existing Regulations

Existing building standards which prescribe requirements for building design and construction of local detention facilities are promulgated by the CSA. These regulations are contained in Title 24, Part 1 and Title 24 Part 2, Volume 1. Further, Appendix Chapter 3A (AC3A), Division II, Title 24, California Building Code regulations have been adopted by the State Fire Marshal and they are frequently referred to as "the State Fire Marshal's Regulations." These regulations apply to both adult and juvenile detention facilities.

Summary of Effect

The proposed action would update Title 24 Parts 1 and 2, adopting new and revised definitions to add clarity to the regulations, deleting definitions that are no longer relevant, changing the name "Board" and "Board of Corrections" to Corrections Standards Authority" to reflect legislative change, delete outdated references to State Fire Marshal review of plans and specifications, update code citations, add requirements for responsible sewage system design, correct grammatical errors, revise the requirements for audio monitoring to be required in all secure areas of a detention facility, and revise the requirements regarding weapons being brought into the secure area of a detention facility to be in line with statutory requirements.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations for local adult detention facilities in conformance with sound correctional practices and to ensure the safe and secure detention of incarcerated persons.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the CSA or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Estimate: Not applicable.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

(If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.)

The Corrections Standards Authority has made an initial determination that the adoption/amendment/repeal) of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

(The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.)

The proposed regulatory action will not affect businesses because the scope of these regulations is specific to the operation of local detention facilities in California.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

(Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.)

The proposed action does not require a report by any business or agency, so the Corrections Standards Authority has not made a finding of necessity for the public health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

(Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact provide the following statement)

The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CSA has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

The CSA has determined that the proposed regulatory action will not eliminate jobs in the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

The CSA has determined that the proposed regulatory action will not create or eliminate existing businesses within the State of California.

The expansion of businesses currently doing business with the State of California.

The CSA has determined that the proposed regulatory action will not expand businesses currently doing business in the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Corrections Standards Authority has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CSA has determined that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

The information may also be located at the Corrections Standards Authority Website:

http://www.cdcr.ca.gov/Divisions_Boards/CSA/

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Jane Taylor – Senior Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

**Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959**

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Allison Ganter, Field Representative
Corrections Standards Authority
600 Bercut Drive
Sacramento CA 95811
Allison.ganter@cdcr.ca.gov
(916) 445-5073

Ron Bertrand, Field Representative
Corrections Standards Authority
600 Bercut Drive
Sacramento CA 95811
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